

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Laura Fashing,
United States Magistrate Judge**

CLERK'S MINUTES

CASE NAME: *Adler Medical, LLC et al
v. Harrington*

DATE: Tuesday, October 03, 2023

CASE NUMBER: 1:22-cv-00072-KG-LF

COURTROOM

CLERK: CDA

PROCEEDINGS

COMMENCED: 10:00 a.m.

COURT IN

RECESS: 10:35 a.m.

TYPE OF PROCEEDING: *Discovery Conference*

RECORDED: *Liberty/MARS*

**ATTORNEY(S) PRESENT
FOR PLAINTIFF:**

Daniel DeSouza

**ATTORNEY(S) PRESENT
FOR DEFENDANTS:**

Jeffrey Squires

The following issues were discussed:

1. The parties requested a telephonic discovery conference.
2. Mr. DeSouza explains that the parties are unable to complete discovery relating to the newly added party within the 60 days of the Court's order granting defendant Maureen Harrington's Motion for Leave to File First Amended Counterclaim/Third-Party Claim. The Court granted the motion on July 25, 2023; the Amended Counterclaim and Third-Party Complaint was filed on July 27, 2023; the Answer was filed on August 24, 2023, and an amended answer was filed on August 29, 2023. Mr. DeSouza propounded written discovery on the newly added party after the answer was filed, and Mr. Squires indicated that he was going to object because his responses would be due outside the 60 days allowed for discovery by the Court if the discovery period started on July 25 or July 27, 2023.
3. The Court agrees that it didn't think through when the 60 days should begin to run, and that it makes sense that the 60 days should not have started until an answer was filed. Also, the parties have agreed to take a deposition on November 10, 2023, which is clearly outside the discovery period even if the period runs from the filing of an answer. It therefore makes sense to extend the discovery period relating to the newly added party.

4. Mr. Squires explains that he is relying on the literal orders in place by the Court. Mr. Squires believes that all discovery that is needed has been done and additional discovery is unnecessary. Mr. Squires will do what the Court wants with regard to discovery.
5. The Court will extend the discovery deadline through November 13, 2023, to conduct discovery limited to Enchantment Marketing, LLC. Discovery motions and pretrial motions will be on the regular schedule and will not interfere with the Thanksgiving holiday.
6. The Court will set a hearing on the pending motion to compel (Doc. 32) in Harrington, 22cv451 KG-LF, via Zoom, on November 20, 2023, at 10:30 am MST.
7. Mr. DeSouza raises an issue in 22cv689 KG-LF, *Harrington III v. Luxury Home Broker ABQ, LLC et al.* The Court will extend discovery for 60 days from October 16, 2023, limited to the newly named party. The Court will put specific dates in the order.
8. The Court makes clear that dispositive motions deadline is for all dispositive motions, not just those relating to new parties, in any particular case.
9. The Court asks the parties to let her know if there is a mistake in any of her orders or if an order is not clear.
10. Mr. Squires makes the Court aware of a similar case that is set for trial in California in early April, 2024.